MONTANA LEGISLATIVE HISTORY

Chapter 263 1999

Bill H _____ S 419 Original bill & history ✓ C

H. Committee on Business & Labor

Hearing Date(s) n 3/19 ___C

ex 3/19 ___C

_____ ___C

_____ ___C

Date Out _____ ___C

S. Committee on Business & Industry

Hearing Date(s) n 2/15 ___C

ex 2/18 ___C

_____ ___C

_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

4/12	Signed by Governor		
4/14	Chapter Number Assigned		
	Chapter Number 301		
	Effective Date: 10/01/1999 - All Sections		

SB 417 Introduced by Waterman *LC1296 Drafter: Fox*

Require Boards of County Commissioners to Budget and Expend Funds for Inmate Medical Costs of Inmates in County Detention Facilities;...

12/17	Fiscal Note Needed		
2/09	Introduced and 1st Reading		
2/09	Referred to Local Government		
2/09	Fiscal Note Requested		
2/09	Fiscal Note Received		
2/09	Fiscal Note Signed		
2/10	Fiscal Note Printed		
2/11	Hearing		
2/17	Committee Executive Action--Bill Passed	10	0
2/17	Committee Report--Bill Passed		
2/20	2nd Reading Passed	27	21
2/22	3rd Reading Passed	30	20
	Transmitted to House		
3/02	Referred to Local Government		
3/23	Hearing		
3/24	Committee Executive Action--Bill Concurred as Amended	13	5
3/24	Committee Report--Bill Concurred as Amended		
3/29	2nd Reading Concurred	69	29
3/30	3rd Reading Concurred	72	26
	Returned to Senate with Amendments		
4/08	2nd Reading House Amendments Concurred	50	0
4/09	3rd Reading Passed as Amended by House	42	8
4/12	Sent to Enrolling		
4/13	Returned from Enrolling		
4/17	Signed by President		
4/20	Signed by Speaker		
4/20	Transmitted to Governor		
4/27	Signed by Governor		
4/29	Chapter Number Assigned		
	Chapter Number 500		
	Effective Date: 10/01/1999 - All Sections		

SB 418 Introduced by Swysgood, et al. *LC1348 Drafter: Kurtz*

Clarify the Scope of Bridge Easements on County and State Rights-of-way;...

2/09	Introduced and 1st Reading
2/09	Referred to Fish and Game
2/16	Hearing
2/19	Tabled in Committee
3/01	Missed Deadline for General Bill Transmittal

SB 419 Introduced by Shea, et al. *LC1584 Drafter: MacMaster*

Clarify That Certain Publicly Owned Licenses Are Eligible for Gambling Activities;...

2/09	Introduced and 1st Reading		
2/09	Referred to Business and Industry		
2/15	Hearing		
2/18	Committee Executive Action--Bill Passed as Amended	7	0
2/19	Committee Report--Bill Passed as Amended		
2/22	2nd Reading Passed	49	0
2/23	3rd Reading Passed	48	1
	Transmitted to House		
3/02	Referred to Business and Labor		
3/19	Hearing		
3/19	Committee Executive Action--Bill Concurred	18	0
3/19	Committee Report--Bill Concurred		
3/26	2nd Reading Concurred	59	41
3/27	3rd Reading Concurred	51	48
	Returned to Senate		
3/27	Sent to Enrolling		
3/29	Returned from Enrolling		
3/30	Signed by President		
3/31	Signed by Speaker		
3/31	Transmitted to Governor		
4/05	Signed by Governor		
4/07	Chapter Number Assigned		
	Chapter Number 263		
	Effective Date: 4/05/1999 - All Sections		

SB 420 Introduced by Mahlum *LC1478 Drafter: C. Erickson*

Increase the Speed Limit on Highways in an Urban District That Are under the Jurisdiction of the Transportation Commission to 35 Miles an Hour;...

2/09	Introduced and 1st Reading		
2/09	Referred to Highways and Transportation		
2/16	Hearing		
2/17	Tabled in Committee		
3/01	Missed Deadline for General Bill Transmittal		

SB 421 Introduced by Mahlum *LC1369 Drafter: Bohyer*

Create the Scenic-historic Byways Program;...

2/09	Introduced and 1st Reading		
2/09	Referred to Highways and Transportation		
2/09	Fiscal Note Requested		
2/12	Fiscal Note Received		
2/13	Fiscal Note Signed		
2/15	Fiscal Note Printed		
2/16	Hearing		
2/19	Committee Executive Action--Bill Passed as Amended	6	5
2/19	Committee Report--Bill Passed as Amended		
2/22	2nd Reading Passed	28	21
2/23	3rd Reading Passed	29	21
	Transmitted to House		
3/02	Referred to Transportation		
3/12	Hearing		
3/29	Taken from Committee; Placed on 2nd Reading	58	37

Senate BILL NO. 419

INTRODUCED BY Cochiarella Lynch
(Primary Sponsor)
Harrington Williams

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF AN AGENCY OWNING AND OPERATING AN AIRPORT HOLDS AN AIRPORT ALL-BEVERAGES LIQUOR LICENSE THAT IT HAS LEASED AS PROVIDED IN SECTION 16-4-208, MCA, AND THE AGENCY HOLDS A GAMBLING OPERATOR'S LICENSE, THE AGENCY MAY LEASE THE GAMBLING OPERATOR'S LICENSE AND ANY ASSOCIATED PERMITS TO THE LESSEE OF THE AIRPORT ALL-BEVERAGES LIQUOR LICENSE; AND AMENDING SECTIONS 23-5-110 AND 23-5-118, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-5-110, MCA, is amended to read:

"**23-5-110. Public policy of state concerning gambling.** (1) The legislature finds that for the purpose of ensuring the proper gambling environment in this state, it is necessary and desirable to adopt a public policy regarding public gambling activities in Montana. The legislature therefore declares it is necessary to:

(a) create and maintain a uniform regulatory climate that assures players, owners, tourists, citizens, and others that the gambling industry in this state is fair and is not influenced by corrupt persons, organizations, or practices;

(b) protect legal public gambling activities from unscrupulous players and vendors and detrimental influences;

(c) protect the public from unscrupulous proprietors and operators of gambling establishments, games, and devices;

(d) protect the state and local governments from those who would conduct illegal gambling activities that deprive those governments of their tax ~~revenues~~ revenue;

(e) protect the health, safety, and welfare of all citizens of this state, including those who do not gamble, by regulating gambling activities; and

(f) promote programs necessary to provide assistance to those who are adversely affected by legalized gambling, including compulsive gamblers and their families.

(2) The legislature adopts the policy that an applicant for a license or permit or other department approval under parts 1 through 8 of this chapter does not have a right to the issuance of a license or permit or the granting of the approval sought. The issuance of a license or permit issued or other department approval granted pursuant to the provisions of parts 1 through 8 of this chapter is a privilege revocable only for good cause. A holder does not acquire a vested right in the license or permit issued or other department approval granted. A license or permit issued under parts 1 through 8 of this chapter may not be sold, assigned, leased, or transferred, except that an operator's license held by an airport, together with permits granted under this chapter, may be leased as provided in 23-5-118.

(3) Revenue to fund the expense of administration and control of gambling, as regulated by parts 1 through 8 of this chapter, must be derived solely from fees, taxes, and penalties on gambling activities, except the gambling activities of the Montana state lottery and the parimutuel industry."

Section 2. Section 23-5-118, MCA, is amended to read:

"**23-5-118. Transfer of ownership interest -- lease of operator's license.** (1) In this section, "licensed gambling operation" means a business for which a license was obtained under parts 1 through 8 of this chapter.

(2) Except as provided in subsection (3), an owner of an interest in a licensed gambling operation shall notify the department in writing and receive approval from the department before transferring any ownership interest in the operation. If an agency owning and operating an airport holds an airport all-beverages liquor license that it has leased, as provided in 16-4-208, and the agency holds an operator's license granted under this chapter, the agency may lease the operator's license and any permits granted under this chapter to the lessee of the airport all-beverages liquor license but shall first notify the department in writing and receive approval from the department. During the period of the lease of the operator's license and any permits granted under this chapter, the lessee, not the lessor, is liable for violations of this chapter and rules adopted under this chapter. A sanction provided for in 23-5-136, any other provision of this chapter, or a rule adopted under this chapter may not be imposed on the lessor, except for a sanction that constitutes a suspension or revocation of the operator's license or of a permit.

(3) This section does not apply to the transfer of a security interest in a licensed gambling operation or to the transfer of less than 5% of the interest in a publicly traded corporation."

- END -

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on February 15, 1999 at 10:00 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:
Sen. John Hertel, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Bea McCarthy (D)
Sen. Glenn Roush (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:		SJR 9, 2/12/1999
		SB 419, 2/12/1999
		SB 440, 2/12/1999
	Executive Action:	SJR 9; SB 386; SB 351
		SB 369; SB 414; SB 377
		SB 378; SB 379; SB 332

{Tape : 1; Side : A; Approx. Time Counter : 0; Comments : The beginning of Tape 1 was re-recorded over from 0.0 to 1.7. The

{Tape : 1; Side : A; Approx. Time Counter : 5.9}

HEARING ON SB 419

Sponsor: **SEN. DEBBIE SHEA, SD 18, BUTTE**

Proponents: **Jim Oppedahl, Gambling Control Division, Dept. of Justice**
Rick Griffith, MT Airport Management Assoc.
Jerry Driscoll, Building Trades, MT Machine Operators Assoc.

Opponents: **None**

Opening Statement by Sponsor:

SEN. DEBBIE SHEA, SD 18, BUTTE. Last session when we passed the Cabaret Bill, it muddled some existing law. This bill will clear this up. Airports that are owned by governments are the only liquor license that can be leased. This bill allows someone who is leasing a liquor license to also lease the gambling machines. Jim Oppedahl, Dept. of Justice, Gambling Control has some amendments that will clarify the law in greater detail.

Proponents' Testimony:

Jim Oppedahl, Gambling Control Division, Dept. of Justice. The Dept. of Justice supports this bill and would offer some amendments **EXHIBIT(bus37a01)** that would make it an even better bill. These are conceptual amendments and will need a little work. The bill is an effort that has been talked about for over a year after the last session when we realized in the restaurant beer and wine legislation passed that some problems had been created between Title 16 which is liquor and Title 21 which is gambling. It no longer allowed the leasing of the gambling operator and permit licenses that had been allowed in the past. This was an inadvertent dropping of those references. This bill and the amendments will fix the problem so that no one intended to create in the golf course, resort and airport licenses. This will clarify the government authorities concerning golf courses and airports where they lease the liquor license, then the lessee

is the entity that applies for and goes through the background check, etc. for gambling licenses. We do support the bill.

Rick Griffith, MT Airport Management Assoc. This has been a sore spot for most of the airport groups in the state. The main reason is that if we wanted a liquor license in the last year and a half, we have literally had to put our own name on the liquor license, not the airport's name but our own personal name. This bill would clarify that. Liquor licenses are important for airports mainly because the gaming and liquor at the airports hold up the restaurant end. Airports survive on service fees. Airlines and other agencies of the airport end up subsidizing the restaurant and gaming area. Taking the gaming away and making it a personal issue puts the burden even more on airports. I would appreciate your support of this legislation.

Jerry Driscoll, MT Independent Machine Operators Assoc. I am also representing the Billings Labor Temple Assoc. which is a fraternal organization. Without the bill and the amendments, all fraternals would not be able to have gaming machines. I believe there was a mistake made last session.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. JOHN HERTEL asked **Jerry Driscoll** if it were true that the fraternal organizations would not be able to have these machines without the amendments. **Mr. Driscoll** said yes. (He was asked to elaborate.) The problem of machines in fraternal organizations was just realized in the last few weeks and they are waiting for the outcome of this bill. In the Cabaret Bill of last session, gambling was only allowed with certain types of licenses. A fraternal license is in a certain section of the code and it was omitted from the Cabaret Bill. Airports and golf courses can have machines, but the airport manager or the airport authority have to put their name on it. Without the amendments, the Department of Justice is going to have to start enforcing the law and all these fraternals, technically, are not suppose to have gaming.

SEN. HERTEL asked then the lessee would have his name on it. **Mr. Driscoll** said no. In a fraternal, one may not lease it. The president, the vice president and the secretary/treasurer put their name on the liquor license and on the gambling application and they are the ones that go through the background investigation. But the way the bill went through the system last session, they are not supposed to have gaming of any kind.

SEN. HERTEL asked who would have their names on the liquor license and gambling license. **Mr. Driscoll** said whoever is the lessor at the restaurant or bar in the airport. Airports and golf courses can lease their liquor license, but under the Cabaret Bill they cannot lease the gaming machines. This bill will allow them to lease the machines as well.

SEN. BEA MCCARTHY asked **Mr. Oppedahl** if the Dept. would require the fraternal organizations to go through the hoops of getting the licenses. **Mr. Oppedahl** said they would not make them go through hoops--only what was required.

Closing by Sponsor:

SEN. SHEA closed. I support the amendments and they take care of a lot of problems that we didn't even know existed. Thank you for a good hearing.

{Tape : 1; Side : A; Approx. Time Counter : 14.3}

HEARING ON SB 440

Sponsor: **SEN. SUE BARTLETT, SD 27, HELENA**

Proponents: **John Andrew, Dept of Labor and Industry**
Anita Anderson, Montana People's Action
Lora Dalton, Montana People's Action
Nina Cramer, Montana People's Action
Kelly Pollington, Montana People's Action
Kate Cholewa, MT Women's Lobby
Don Judge, AFL/CIO
Gene Fenderson, MJH & HC (Unions)

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 1
DATE 2-15-99
BILL NO. SB 419

Proposed Amendments to Mont. Code Ann. §23-5-119

23-5-119. Appropriate alcoholic beverage license for certain gambling activities. (1) Except as provided in subsection (3), ~~T~~to be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant shall own in the applicant's name:

(a) a retail all-beverages license issued under 16-4-201;

(b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-105, authorizing the sale of beer and wine for consumption on the licensed premises; ~~or~~

(c) a beer and wine license issued in an area outside of an incorporated city or town as provided in 16-4-105(1)(e). The owner of the license whose premises are situated outside of an incorporated city or town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(d) a retail beer and wine license issued under 16-4-109;

(e) a retail all-beverages license issued under 16-4-202;

(f) a retail all-beverages license issued under 16-4-208; or

(g) a retail beer and wine license issued under 16-4-301(2)(a).

(2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997, may be transferred to a new owner or to a new location or transferred to a new owner and location by the department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been transferred may offer gambling if the owner and the premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(3) Lessees of retail all-beverages issued under 16-4-208 or beer and wine licenses issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177, are eligible to offer and may be granted permits for gambling authorized under Title 23, chapter 5, part 3, 5, or 6.

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on February 18, 1999 at 8:00 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. John Hertel, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Bea McCarthy (D)
Sen. Glenn Roush (D)
Sen. Fred Thomas (R)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:	SB 446, 2/12/1999
	SB 452, 2/12/1999
	SB 453, 2/12/1999
	SB 430, 2/12/1999
	SB 470, 2/15/1999
	SB 490, 2/16/1999
Executive Action:	SB 470; SB 430
	SB 409; SB 419; SB 459

{Tape : 1; Side : A; Approx. Time Counter : 0}

SEN. JOHN HERTEL asked what affects do the amendments have on people who put in generators, windmills, etc. **Mr. Willis** said the amendment that brought the kilowatts down to 25KW will take out some of those existing ones. They just didn't have a payback unless they put in a pretty good sized generator. This is almost a whole new deal with the 25KW limit. If there are some out there at that level, they could have either/or. They could take it into their house. But there are already two meters out there. This could be implemented both ways.

Vote: Motion that SB 409 BE AMENDED carried unanimously. 7-0

Motion/Vote: SEN. COCCHIARELLA moved that SB 409 DO PASS AS AMENDED. Motion carried unanimously. 7-0

{Tape : 3; Side : A; Approx. Time Counter : 11.6}

EXECUTIVE ACTION ON SB 419

Motion: SEN. MCCARTHY moved that **SB 419 DO PASS.**

Discussion: Motion: SEN. MCCARTHY moved that **SB 419 BE AMENDED.**

Discussion: Bart Campbell explained the amendments **EXHIBIT(bus40a19)**. The title has been changed to show that fraternal organizations are not included because they are covered under statute already. On number 2, sections 1 and 2 have been stricken in its entirety and a new section 1 has been inserted which is 23-5-119. There is clarification that these places can lease these liquor licenses. And they can have the gambling activities.

Vote: Motion that SB 419 BE AMENDED carried unanimously. 7-0

Motion/Vote: SEN. MCCARTHY moved that SB 419 DO PASS AS AMENDED. Motion carried unanimously. 7-0

EXECUTIVE ACTION ON SB 459

SENATE BUSINESS & INDUST
EXHIBIT NO. 19
DATE 2-18-99
BILL NO. SB 419

Amendments to Senate Bill No. 419
1st Reading Copy

For the Business and Industry Committee

Prepared by Bartley Campbell
February 17, 1999

1. Title, page 1, line 4 through line 9.
Strike: "PROVIDING " on line 4 through "MCA" on line 9
Insert: "CLARIFYING THAT CERTAIN PUBLICLY OWNED LICENSES ARE ELIGIBLE FOR GAMBLING ACTIVITIES; PROVIDING THAT LESSEES OF LICENSES ISSUED TO AIRPORT AUTHORITIES AND PUBLIC GOLF COURSES ARE ALSO ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; CLARIFYING THAT OWNERS OF RESORT LICENSES ARE ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; AMENDING SECTION 23-5-119, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 13 through page 2, line 29.
Strike: sections 1 and 2 in their entirety
Insert: **"Section 1.** Section 23-5-119, MCA, is amended to read:

"23-5-119. Appropriate alcoholic beverage license for certain gambling activities. (1) Except as provided in subsection (3), to ~~To~~ be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant shall own in the applicant's name:

(a) a retail all-beverages license issued under 16-4-201;

(b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-105, authorizing the sale of beer and wine for consumption on the licensed premises; ~~or~~

(c) a beer and wine license issued in an area outside of an incorporated city or town as provided in 16-4-105(1)(e). The owner of the license whose premises are situated outside of an incorporated city or town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6~~.~~;

(d) a retail beer and wine license issued under 16-4-109;

(e) a retail all-beverages license issued under 16-4-202; or

(f) a retail all-beverages license issued under 16-4-208.

(2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997, may be transferred to a new owner or to a new location or transferred to a new owner and location by the department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been transferred may offer gambling if the owner and the premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(3) Lessees of retail all-beverages licenses issued under 16-4-208 or beer and wine licenses issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177 are eligible to offer and may be granted permits for gambling authorized under Title 23, chapter 5, parts 3, 5, or 6."

{*Internal References to 23-5-119:*
23-5-306x *23-5-502x* *23-5-502x* *23-5-603x*
23-5-611x}"

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective upon passage and approval."

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON**, on March 19, 1999 at 8:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Bruce Simon, Chairman (R)
Rep. Bob Pavlovich, Vice Chairman (D)
Rep. Paul Sliter, Vice Chairman (R)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. David Ewer (D)
Rep. Carol C. Juneau (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Joe McKenney (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)

Members Excused: Rep. Roy Brown (R)
Rep. Gay Ann Masolo (R)
Rep. Gary Matthews (D)

Members Absent: None.

Staff Present: Stephen Maly, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 331, SB 453, SB 419, SB 446, SB 452. SB 410, 3/3/1999
Executive Action: SB 452, SB 419

Questions from Committee Members and Responses: Reps. Ewer, Lawson, Bookout, Krenzler, Pavlovich and Simon question witnesses.
{Tape : 3; Side : B; Approx. Time Counter : 79 - 201}

Closing by Sponsor: Senator Beck closed SB 453. Rep. Ohs to carry on house floor.
{Tape : 3; Side : B; Approx. Time Counter : 201 - 328}

HEARING ON SB 419

Opening Statement by Sponsor: Senator Shea, SD 18, introduced SB 419.
{Tape : 3; Side : B; Approx. Time Counter : 328 - 346}

Proponents' Testimony: Jim Oppedahl, Administrator of Gambling Division, Dept. of Justice.
{Tape : 3; Side : B; Approx. Time Counter : 346 - 369}

Rich Griffith, Butte airport employee
{Tape : 3; Side : B; Approx. Time Counter : 369 - 380}

Opponents' Testimony: None

Questions from Committee Members and Responses: Rep. Krenzler questions Sen. Shea.
{Tape : 3; Side : B; Approx. Time Counter : 380 - 428}

Closing by Sponsor: Senator Shea closed SB 419.
{Tape : 3; Side : B; Approx. Time Counter : 428 - 430}

HEARING ON SB 331

Opening Statement by Sponsor: Senator Shea, SD 18 introduced SB 331.
{Tape : 3; Side : B; Approx. Time Counter : 430 - 462}

Proponents' Testimony: Matt Kershaw, Pes of Sports Dealers Assn.
{Tape : 3; Side : B; Approx. Time Counter : 462 - 500}
{Tape : 4; Side : A; Approx. Time Counter : 0 - 11}

Helena Cycle Stadium, Brad Middleslice.
{Tape : 4; Side : A; Approx. Time Counter : 11 - 46}

Cliff Gullett, Team Bozeman **EXHIBIT(6) EXHIBIT(7)**
{Tape : 4; Side : A; Approx. Time Counter : 46 - 85}

Opponents' Testimony: None

Informational Testimony: Mr. Roberts, Dept. of Justice
{Tape : 4; Side : A; Approx. Time Counter : 85 - 90}

Ken Hoovestal, Montana Snowmobilers
{Tape : 4; Side : A; Approx. Time Counter : 90 - 92}

Questions from Committee Members and Responses: Rep. Bookout questions Gullett.
{Tape : 4; Side : A; Approx. Time Counter : 92 - 103}

Closing by Sponsor: Senator Shea closed SB 331. Rep. Hibbard to carry on house floor.
{Tape : 4; Side : A; Approx. Time Counter : 103 - 120}

EXECUTIVE ACTION ON SB 419

Motion/Vote: **REP. PAVLOVICH** moved that **SB 419 BE CONCURRED IN.** **Motion carried unanimously.**
{Tape : 4; Side : A; Approx. Time Counter : 120 - 140}

AN ACT CLARIFYING THAT CERTAIN PUBLICLY OWNED LICENSES ARE ELIGIBLE FOR GAMBLING ACTIVITIES; PROVIDING THAT LESSEES OF LICENSES ISSUED TO AIRPORT AUTHORITIES AND PUBLIC GOLF COURSES ARE ALSO ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; CLARIFYING THAT OWNERS OF RESORT LICENSES ARE ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; AMENDING SECTION 23-5-119, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-5-119, MCA, is amended to read:

"**23-5-119. Appropriate alcoholic beverage license for certain gambling activities.** (1) Except as provided in subsection (3), to ~~To~~ be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant shall own in the applicant's name:

(a) a retail all-beverages license issued under 16-4-201;

(b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-105, authorizing the sale of beer and wine for consumption on the licensed premises; ~~or~~

(c) a beer and wine license issued in an area outside of an incorporated city or town as provided in 16-4-105(1)(e). The owner of the license whose premises are situated outside of an incorporated city or town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6~~.~~;

(d) a retail beer and wine license issued under 16-4-109;

(e) a retail all-beverages license issued under 16-4-202; or

(f) a retail all-beverages license issued under 16-4-208.

(2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997, may be transferred to a new owner or to a new location or transferred to a new owner and location by the department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been transferred may offer gambling if the owner and the premises qualify under Title 23, chapter

5, part 3, 5, or 6.

(3) Lessees of retail all-beverages licenses issued under 16-4-208 or beer and wine licenses issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177 are eligible to offer and may be granted permits for gambling authorized under Title 23, chapter 5, parts 3, 5, or 6."

Section 2. Effective date. [This act] is effective upon passage and approval.

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